# World Chronicle

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## WAR CRIMES IN RWANDA

The International Criminal Tribunal for Rwanda was established by the United Nations Security Council in November 1994 to bring to justice those who were responsible for the genocide and other violations of humanitarian law in Rwanda in 1994. In this episode of **World Chronicle,** the Registrar of the Tribunal, Mr. Agwu Ukiwe Okali, discusses the outcome of the Court's first judgments.

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**ANNOUNCER:** From United Nations Headquarters in New York, this is **World Chronicle**, an unedited interview programme about major global issues.

Here now to introduce our guest is the host of today's **World Chronicle**.

**LITTLEJOHNS:** I'm Michael Littlejohns, and this is **World Chronicle**.

Four years ago, the world was horrified at the massacres committed in Rwanda in Central Africa. Hundreds of thousands of people of the Tutsi minority and moderate Hutu were killed. In late 1994, the United Nations Security Council established the International Criminal Tribunal for Rwanda in order to punish those who were responsible for the genocide and other violations of the criminal law. Recently, the Court handed down its first judgments.

Our guest today is a top official in the Court. He is Assistant-Secretary-General Agwu Ukiwe Okali, who is the Registrar of the International Criminal Tribunal for Rwanda. He will be interviewed by James Bone of *The Times of London* and Tuyet Nguyen of *DPA, the German Press Agency*.

Mr. Okali, welcome to **World Chronicle**.

**OKALI:** Thank you.

**LITTLEJOHNS:** Mr. Okali, your Tribunal got off to a rather difficult start and that you, I think, were brought in at one point to get its affairs in order. Now we have the first judgments -- first case is, I believe, got life imprisonment sentences. Is the Court now on the roll, so to speak, and can we expect more trials and convictions?

**OKALI:** In fact, yes. The Court is now, I would say, at a cruising speed and we do expect things to move much faster than they had been in the past. We have two cases on trial which we do expect to conclude this year -- in fact, two additional cases, possibly three so the Tribunal is now humming along.

**LITTLEJOHNS:** Why is it that the Tribunal hands down or hands out only life sentences rather than the death penalty? It seems to me that these horrendous crimes, two thousand people in one case I think, were killed and yet the guy can spend the rest of his life, okay we denied his freedom, but at least he is alive. Why don't you have the death penalty?

**OKALI:** Yes, Michael, this is a very difficult and sensitive subject as you might

imagine. A lot of people, particularly in Africa, feel that the sentences are not adequate because, you know, the normal punishment for murder is the death penalty. But the International Community, in setting up the Tribunal, specifically limited the sentence to imprisonment, life imprisonment being the highest. The reason is that, as you know, many Member States have abolished the death penalty and therefore they were not willing to support an operation that carried the death penalty. So this was the compromise that was reached.

**LITTLEJOHNS:** These people who have been sentenced to life imprisonment, where are they going to serve their sentences?

**OKALI:** Our statutes says that sentences are to be served in Rwanda or in any other States that have volunteered to assist with this enforcement and we are working now, discussing with a number of States that have indicated an interest in assisting us with this matter. So over the next few weeks, in fact, we expect to have agreements with a number of States. Then a decision will be made as to where particular convicted persons will be sent.

**LITTLEJOHNS:** So the chances are they will not be incarcerated in Rwanda?

**OKALI:** I think that the probabilities are that they will not be. But that is not ruled out, but I do think that most people who have anything to do with the matter have indicated that it should not be Rwanda.

**BONE:** Of course, there were between 500 thousand and 800 thousand people killed in the genocide in Rwanda. You have a different approach really to the Tribunal for the former Yugoslavia, which is going after even foot soldiers who are involved in killing. With 500 to 800 thousand people killed, obviously there are a lot of people have to be physically involved in doing that killing, that's an awful lot of people to kill. So far, you have two people convicted -- one was guilty plea, one was a conviction. They are both, I suppose to some extent, related. One was former Prime Minister, Jean Kambanda, the other was the Mayor of a town called Taba, and Paul Akayesu. Can you tell us how these people particularly happened to be singled out and what kind of evidence was presented to secure their convictions?

**OKALI:** In fact, you have touched on a very important strategic issue, given the

large number of people who must have participated. As you know, these killings were done not with bombs or guns, I mean, firearms were for a very limited use but a lot was almost hand combat weapons. So it must have taken a lot of people to kill so many people. Therefore, if we try to go after all the people who possibly were involved, maybe it would take a major affront and it would take years. So the decision was made to go after the suspected ringleaders because that will give – achieve the point of sending the message really to the people because it is the people who planned these things that you want to get at. So the two individuals that you have mentioned were, in fact, instrumental. One was naturally the leader of the government and he participated according to his own evidence to the prosecution ...

**LITTLEJOHNS:** He was the one who pleaded guilty?

**OKALI:** He pleaded guilty, yes, Jean Kambanda. There were meetings held to pursue this genocide.

**BONE:** Did he explain why he was doing this? Have you met him?

**OKALI:** I have met him, yes.

**BONE:** And how is he? What kind of – and what does he say when you asked him? He is somebody who killed eight hundred thousand people!

**LITTLEJOHNS:** Did he look like a murderer?

**OKALI:** No, no. This is one of the – I must say, from a human point of view – this is one of the remarkable things about all these accused persons. We see them, you know, we are with them everyday. They are just like anybody else.

**BONE:** Well, this is of course about Hannah Arendt's famous thesis about the Eichmann Trial -- the book about the banality of evil. It's perfectly common place and people look just like everybody else.

**OKALI:** Just like everybody else. Polite ...

**NGUYEN:** How many people do you have under detention now? And where do you put trial?

**OKALI:** We have thirty-one people. There are thirty-two people who are in custody, we have thirty-one of them. One is still being held in Texas in the United States

going through extradition transfer process in the courts.

**BONE:** And apart from Jean Kambanda, who is a full Prime Minister, who are the other senior officials that you have from the regime?

**OKALI:** We have what we consider the top echelon. We have the President of the National Assembly. We have the Minister of Defence. We have the army chief. We have the military commanders of the various garrisons and armed forces formations. Then we have political leaders a certain general of ruling party. We have ministers, several ministers, including a woman minister, the first ...

**LITTLEJOHNS:** These guys, men and women, were actually elected democratically in Rwanda, yet they went on to carry out these terrible things.

**NGUYEN:** So how long does it take to complete one trial for each individual?

**OKALI:** The trials, of course, go on sort of in pairs. It's not just one trial going on. Each chamber has two or three cases it is trying at the same time. This first judgment was delivered roughly one and a half years after the trial started which is considered a very good record by the International Tribunal ...

**NGUYEN:** I believe that the conviction of Paul Akayesu is the first time there has been a genocide conviction by one of these courts.

**OKALI:** That's true.

**NGUYEN:** So it would take you at least three to five more years to complete all the cases?

**OKALI:** Well, it will take that long but not because of the pace, but because we are adding more people. There are still -- the prosecutor has indicated that she is looking at about a hundred people.

**LITTLEJOHNS:** Mr. Okali, what's the relationship between the Government of Rwanda and the Tribunal? I mean, I think the original idea was to have the Tribunal located in Rwanda, right? And then you decided to go to Tanzania. What is the relationship between the two?

**OKALI:** As you know, the idea of the Tribunal itself came from the Rwandan Government. They requested the Tribunal and they also requested that it be based in Kigali.

**LITTLEJOHNS:** The capital of Rwanda.

**OKALI:** The capital of Rwanda. But the International Community did not feel it was a good idea to base it there ...

**LITTLEJOHNS:** Not the facilities or what?

**OKALI:** No, because for one thing, at that time, feelings were running very high and some expressed doubts about the safety, for example, of the accused and ....

**LITTLEJOHNS:** It had a lynch mob get together in the street ... I mean it might be a good idea ...

**OKALI:** Some people think that that would solve the problem. But obviously, to have the kind of calm judicial atmosphere that was needed, it was decided that it should not be there. But in terms of our relationship with the government, it is very good now. It was rocky to begin with. But now it's very good. I, myself, we put in a lot of effort to try to repair these relations which were very, very sour at the time we took over. I, myself, paid a visit a month ago to -- six weeks ago -- to Kigali where I met all the dignitaries including the Vice-President, General Paul Kagame, who assured us that they are now very supportive of the work of the United Nations.

**BONE:** So these people that you have, the two people convicted and the thirty-two I think you said, who are awaiting trial, where do you find them? Where do you get them from? What are they doing in Arusha?

**OKALI:** Very good question, because we have been criticized for the slow pace of the work of the Tribunal. But what people forget is that we did not just start out with all these people sitting in Arusha waiting to be tried. We had to go look for them. The trials could not begin until we found these people and brought them there. That took some time. But in fact, we have investigators and trackers in the Office of the Prosecutor, who go around gathering intelligence about the movements of these people and tracking them. That is basically and we get information from governments, from other sources and once we locate such a person, then we request the government of the country where they are to arrest them and then we start the process of legal transfer.

**LITTLEJOHNS:** This is **World Chronicle.** Our guest is Assistant-Secretary-General Agwu Ukiwe Okali, who is the Registrar of the International Criminal Tribunal for Rwanda.

**NGUYEN:** What are the conditions of the prisons you are keeping the thirty-two people now? Are they, like you know, at the Hague where they have hot showers and tv? How are the conditions in Arusha?

**OKALI:** The conditions in Arusha, I would say, are good but they are not luxurious by any means. We do not have tv's and so forth. But they meet international standards. We have periodic inspection by the International Committee or the Red Cross. So it is just an ordinary cell, but it is clean and it's ...

**BONE:** ... organized and run by the UN Security ..

**OKALI:** It is organized and run entirely by the UN unlike the Hague detention facility.

**NGUYEN:** Can you call that a UN jail then?

**OKALI:** It is a UN jail *per se*, but it is not supposed to be a long-term jail – just for holding them during trial.

**LITTLEJOHNS:** Mr. Okali we hear a lot these days in the criminal justice system about rehabilitation. It seems to me it is pretty impossible to rehabilitate somebody who has been responsible for the deaths of thousands of people. Is there anything that you can do? You said that these guys are like ordinary individuals but evidently they are really very extraordinary inside. Is there anything you can do to perhaps change their sins?

**OKALI:** What we are looking through in the long run and I think this is what the International Community is looking for and we, even our work, is supposed to try to pave the way for this, is national reconciliation in Rwanda because eventually, no matter how long it takes, these two communities must live together. That is their country, there is no place else they can go.

**LITTLEJOHNS:** The Tutsis and Hutu?

**OKALI:** The Tutsis and the Hutu. So part of the process of national reconciliation is to get this justice and accountability which we think will, after that, make

people more disposed to talk about a political type of settlement in the long run. The individual rehabilitation and reintegration into society is the goal of the UN's standard of treatment of offenders. That is the goal – ultimate goal. Now, of course, it depends on particular individuals ...

**LITTLEJOHNS:** So these convicts could be eventually paroled?

**OKALI:** It is possible. We are talking about ....

**BONE:** How will they go about the parole?

**OKALI:** The parole .... under our rules, the country, they are subject to the parole rules basically of the country in which they are serving. However, if a country proposes to grant any kind of remission or pardon or whatever, they have to get back to the Tribunal and if the Tribunal agrees, then they may do so.

**BONE:** Some countries have fairly liberal parole rules although undoubtedly they have any rules specifically for genocide but for murder they would have – people would be out after nine or ten years. Is that something you see happening to some of these people.

**OKALI:** I think it is unlikely because I do not see how the Tribunal could agree to that.

**NGUYEN:** I would like to ask you – the Court, has it really helped the reconciliation between Hutus and Tutsis? You said the goal is national reconciliation, but in the past three or four years since the Court has start working, have you healed or felt that, you know, you helped the reconciliation?

**OKALI:** I think that it is only now that the process can be said to have really begun because now, the ordinary people are seeing punishment of this. Before that, you could not, because they have not seen – these guys who committed all these things are still, you know, have gotten away with it up to that point. But now, with the various stiff sentences, maximum sentences that are being handed down, people in Rwanda were getting the feedback, they are now beginning to say "okay, now there is really something happening to these guys". I think that that is the process you have to go through first before you can really begin to ....

**BONE:** Still if you happen to be a Rwandan war crime suspect, you will obviously be better off to surrender to the International Criminal Court for Rwanda in Arusha, your Court, rather than surrender to Kigali into the government there, who will probably give you much harsher and possibly swifter punishment.

**OKALI:** This is correct. I mean it follows common sense that there you have death penalty, here there isn't. So in a sense ....

**BONE:** You know, one of the things that intrigue me, you are talking about the different people you have – from ministers, garrison commanders, the army, that kind of thing. During the genocide in Rwanda there was a great role played by Radio Mille Collines which was Hutu controlled, extremist radio station, which was broadcasting propaganda and inciting people to genocide. Do you have any journalist, supposedly journalist, who worked in Radio Mille Collines, those kinds of outfits, already on trial?

**OKALI:** Actually we have two key journalists who were awaiting trial. One of them is the only foreigner. He is a Belgian actually – Italian-Belgian nationality – who is in our custody.

**BONE:** What was he in your custody for?

**OKALI:** Well, he was part of this Radio Mille Collines –

**LITTLEJOHNS:** Incitement.

**OKALI:** Incitement, yes.

**BONE:** Was he broadcasting ..

**OKALI:** Yes.

**BONE:** So what kind of sentence would he face if he is convicted of that? Would he face a genocide sentence?

**OKALI:** Yes, incitement also carries – all these carries maximum life sentences.

**LITTLEJOHNS:** Incitement to genocide would result in life imprisonment.

**OKALI:** It carries, yes. In theory ...

**NGUYEN:** Financially and administratively, are you well equipped to pursue the trials in the next few years?

**OKALI:** Yes, we need more financial resources and we are asking for it. But it is related to scaling up the level of activities of the Tribunal. For example, from January we are adding another court, you know, a three judge chamber so we will have three courts going on simultaneously. So for that we will need additional resources. Administratively, we are well set.

**NGUYEN:** What about the response from the International Community? Did you receive all the money and legal experts that you need there?

**OKALI:** Well, so far, we are not doing too badly given that these are times of very, very serious financial constraints. As a matter of fact, I was talking to a delegate this morning about our budget trying to convince him to -- and he said to me, "my government is asking how come you are the only UN operation that is getting more money whereas all the others -- so we are fairly okay, but we do need – it is a matter of what does the International Community want. If they want us to get these cases over and done with, you have to provide you know ....

**NGUYEN:** What is your annual budget now to run the Court?

**OKALI:** The annual budget for 1998 is 58 million dollars.

**LITTLEJOHNS:** Mr. Okali, do you think that this -- I suppose you might call it an experimental way of an international criminal tribunal will have a solitary effect and perhaps there will be no more cases of genocide in Africa as a result?

**OKALI:** This is our very, very strong hope and people like me an African, this is one of the things I would like to see happen and we have, I think that this is a good case to be used for it not only because of the level of atrocities which is really unimaginable but also because this particular country and the sub-region has had a history of these kinds of things and you have to stop and ensure that ...

**BONE:** One of the proposals that has been floated is extending the jurisdiction of the Court to cover the death of Rwandan Hutus who were killed as they fled across from east to west across the Democratic Republic of Congo, then Zaire. At the moment, would your jurisdiction permit those people accused of massacring those Hutu refugees, would it permit them to come before the Court or would there have to be some kind of further action

by the Security Council?

**OKALI:** Yes, there will have to be further action because our mandate is limited in time as well as geographically. It is only the genocide and other crimes committed between January 1 and December 31, 1994 and it is in Rwanda or neighbouring countries.

**BONE:** All neighbouring countries?

**OKALI:** All neighbouring countries.

**LITTLEJOHNS:** These people that you got hold of, have they expressed any contrition? Do they feel sorry? Have they apologized? Are they just – although you've mentioned how normal they seem to be – are they really hardened criminals underneath who have no feelings of regret?

**OKALI:** No, I don't think I would describe them as hardened criminals. Don't forget these were people in very high positions. They were ....

**BONE:** Well-educated people.

**LITTLEJOHNS:** They will still be criminals.

**OKALI:** Yes. It is not like they lived a life of crime, you know. But in terms of what they have expressed, I will not say that one is overwhelmed by the apologies or anything like that that has been expressed. You recall that one of the reasons the Courts set for the life sentence, the maximum sentence, for Jean Kambanda, the Court mentioned that they did not sense any contrition and that -- though he pleaded guilty for any number reasons, they did not feel that he generally felt sorry for what he had done. Jean Paul Akayesu, the second person, also in his pre-sentencing hearing, he said that he was sorry for what happened but then added that he was not responsible. So, he was like, again, negating. Once you deny responsibility, then how can you be sorry? You are not really sorry. So that's what's happened so far.

**LITTLEJOHNS:** We have only a few seconds left, how many judges are there?

**OKALI:** We have six judges -- trial judges -- now and we are going to add three more to be elected by next month, I believe. To speed up ...

**LITTLEJOHNS:** Mr. Okali, that's all the time we have. We speeded up our

programme. Thank you for being with us on this edition of **World Chronicle.** Our guest has been Assistant-Secretary-General Agwu Ukiwe Okali, who is the Registrar of the International Criminal Tribunal for Rwanda. He was interviewed by James Bone of *The Times of London* and Tuyet Nguyen of *DPA, the German Press Agency*. I'm Michael Littlejohns. Thank you for joining us. We invited you to be with us for the next edition of **World Chronicle.**